



THE FLORIDA LEGISLATURE



May 6, 2009

The Honorable Jeff Atwater
President of the Senate

The Honorable Larry Cretul
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS/SB 1718, same being:

An act relating to the state courts system

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the House of Representatives recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

Managers on the part of the Senate

<i>Senator JD Alexander, Chair</i>	<i>Senator Ted Deutch, Vice Chair</i>
<i>Senator Thad Altman, At Large</i>	<i>Senator Dave Aronberg</i>
<i>Senator Carey Baker</i>	<i>Senator Michael S. "Mike" Bennett</i>
<i>Senator Larcenia J. Bullard</i>	<i>Senator Lee Constantine</i>
<i>Senator Victor D. Crist</i>	<i>Senator Charles S. "Charlie" Dean, Sr.</i>
<i>Senator Nancy C. Detert</i>	<i>Senator Alex Diaz de la Portilla</i>
<i>Senator Paula Dockery</i>	<i>Senator Mike Fasano</i>
<i>Senator Don Gaetz</i>	<i>Senator Rudy Garcia</i>
<i>Senator Andy Gardiner</i>	<i>Senator Dan Gelber</i>
<i>Senator Mike Haridopolos, At Large</i>	<i>Senator Anthony C. "Tony" Hill, Sr.</i>
<i>Senator Dennis L. Jones, D.C.</i>	<i>Senator Arthenia L. Joyner</i>
<i>Senator Charlie Justice</i>	<i>Senator James E. "Jim" King, Jr.</i>
<i>Senator Alfred "Al" Lawson, Jr., At Large</i>	<i>Senator Evelyn J. Lynn</i>
<i>Senator Steve Oelrich</i>	<i>Senator Durell Peaden, Jr.</i>
<i>Senator Ken Pruitt</i>	<i>Senator Nan H. Rich</i>
<i>Senator Garrett S. Richter</i>	<i>Senator Jeremy Ring</i>
<i>Senator Gary Siplin</i>	<i>Senator Christopher L. "Chris" Smith</i>
<i>Senator Eleanor Sobel</i>	<i>Senator Ronda Storms</i>
<i>Senator J. Alex Villalobos</i>	<i>Senator Frederica S. Wilson</i>
<i>Senator Stephen R. Wise</i>	

Managers on the part of the House of Representatives

<i>Representative David Rivera, Chair</i>	<i>Representative Marcelo Llorente, Chair</i>
<i>Representative Sandra Adams</i>	<i>Representative Janet H. Adkins</i>
<i>Representative Kevin C. Ambler</i>	<i>Representative Thomas Anderson</i>
<i>Representative Gary Aubuchon</i>	<i>Representative Leonard L. Bembry</i>
<i>Representative Ellyn Setnor Bogdanoff, At Large</i>	<i>Representative Esteban L. Bovo, Jr.</i>
<i>Representative Debbie Boyd</i>	<i>Representative Mary Brandenburg</i>
<i>Representative Oscar Braynon II</i>	<i>Representative Ronald A. Brisé</i>
<i>Representative Dwight M. Bullard</i>	<i>Representative Rachel V. Burgin</i>
<i>Representative Dean Cannon, At Large</i>	<i>Representative Jennifer Carroll</i>
<i>Representative Gwyndolen Clarke-Reed</i>	<i>Representative Marti Coley</i>
<i>Representative Steve Crisafulli</i>	<i>Representative Faye B. Culp</i>
<i>Representative Carl J. Domino</i>	<i>Representative Chris Dorworth</i>
<i>Representative Brad Drake</i>	<i>Representative Eric Eisnaugle</i>
<i>Representative Greg Evers</i>	<i>Representative Adam M. Fetterman</i>
<i>Representative Keith Fitzgerald</i>	<i>Representative Anitere Flores</i>
<i>Representative Clay Ford</i>	<i>Representative Erik Fresen</i>
<i>Representative James C. Frishe</i>	<i>Representative Bill Galvano, At Large</i>
<i>Representative Joseph A. Gibbons</i>	<i>Representative Audrey Gibson</i>

Representative Richard Glorioso

Representative Adam Hasner, At Large

Representative Bill Heller

Representative Ed Homan

Representative Mike Horner

Representative Dorothy L. Hukill

Representative Kurt Kelly

Representative Paige Kreegel

Representative Janet C. Long

Representative Debbie Mayfield

Representative Seth McKeel

Representative Peter Nehr

Representative H. Marlene O'Toole

Representative Jimmy Patronis

Representative Scott Plakon

Representative Ralph Poppell

Representative William L. Proctor

Representative Lake Ray

Representative Betty Reed

Representative Kenneth L. Roberson

Representative Denise Grimsley

Representative D. Alan Hays

Representative Doug Holder

Representative Ed Hooper

Representative Matt Hudson

Representative Mia L. Jones

Representative Martin David Kiar

Representative John Legg

Representative Carlos Lopez-Cantera, At Large

Representative Charles McBurney

Representative Dave Murzin

Representative Bryan Nelson

Representative Mark S. Pafford

Representative Pat Patterson

Representative Juan-Carlos Planas

Representative Stephen L. Precourt

Representative Kevin J. G. Rader

Representative Ron Reagan, At Large

Representative Ronald Renuart

Representative Yolly Roberson

Representative Hazelle P. Rogers

Representative Maria Sachs

Representative Robert C. Schenck

Representative Elaine J. Schwartz

Representative William D. Snyder

Representative Kelli Stargel

Representative Dwayne L. Taylor

Representative Geraldine F. Thompson

Representative Perry E. Thurston, At Large

Representative Baxter G. Troutman

Representative Will W. Weatherford

Representative Alan B. Williams

Representative Juan C. Zapata

Representative Darryl Ervin Rouson

Representative Ron Saunders, At Large

Representative Ron Schultz

Representative Kelly Skidmore, At Large

Representative Darren Soto

Representative Richard L. Steinberg

Representative Priscilla Taylor

Representative Nicholas R. Thompson

Representative John Tobia

Representative Charles E. Van Zant

Representative Michael B. Weinstein

Representative Trudi K. Williams

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The Conference Committee Amendment for CS/SB 1718, relating to the state courts system, provides for the following:

- Allows the courts to pay a county judge at the circuit judge salary for that time the county judge presides over circuit court. This provision is subject to the availability of funds.
- Removes the expiration of the authorization for assistant regional conflict counsels to have a private criminal law practice.
- Directs all funds collected on behalf of the public defender for the cost of defense to be deposited in the Indigent Criminal Defense Trust Fund.
- Renames certain probate service charges as filing fees and increases them by \$115 and directs that the increase be deposited in the State Courts Revenue Trust Fund.
- Except for family law cases in chapters 39, 61, 741, 742, 747, 752, or 753, the bill increases the circuit civil filing fee from \$295 to \$395 and directs the increase to be deposited in the State Courts Revenue Trust Fund.
- Creates a graduated filing fee for real property or mortgage foreclosure cases. The filing fee is \$395 where the amount in controversy is \$50,000 or less, \$900 where the amount in controversy is more than \$50,000 but less than \$250,000, \$1,900 where the amount in controversy is \$250,000 or more. The increase in the filing fees over the current amount of \$295 is to be deposited in the State Courts Revenue Trust Fund.
- Clarifies that cross claim, counter petitions, along with counter claim and third party complaints must pay filing fee.
- Increases the filing fee for cross claim, counter petitions, counter claim and third party complaints from \$295 to \$395. These filing fees are deposited in the General Revenue Fund.
- Parties that file cross claim, counter petitions, counter claims or third party complaints related to real property or mortgage foreclosure cases would pay the \$900 where the amount in controversy is more than \$50,000 but less than \$250,000 and \$1,900 where the amount in controversy is \$250,000 or more.
- Requires interest earned on county funds to be appropriated by the Board of County Commissioners pursuant to chapter 129.
- Creates a new filing fee of \$125 for county court claims less than \$1,000 where there is also a simultaneous filing for replevin of property that is the subject of the claim.
- Reduces the county court filing fee for a removal of tenant action from \$265 to \$180. Reduces the amount of such fees going to the Medication and Arbitration Trust Fund from \$15 to \$10.
- Clarifies that counter petitions in county court are also subject to the cross-claim, counterclaim and third-party complaint filing fees.
- Relieves indigent persons from paying filing fees. The bill makes similar adjustments in the statute requiring payment plans for indigent persons.
- Makes conforming changes to section 318.121, F.S., for the new \$12.50 administrative fee from the 2008 session and the \$10 Article V fee from 2009 special session A.
- Provides for a \$18 processing fee when a person elects to take a driver improvement course but fails to complete the course. The fee would be retained by the clerk of court.
- Provides that the new \$12.50 administrative fee from the 2008 session and the \$10 Article V fee from 2009 special session A is to be paid for violations of chapters 320 and 322.

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- Requires liens on personal property to be recorded in the same county in which the person resides. This provision supersedes a similar provision passed in SB 412.
- Requires the Clerks of Court Operations Corporation to transfer funds in excess of what is needed in the Clerk of Courts Trust Fund to fund the approved clerk budgets to the General Revenue Fund by June 25th of each year.
- Requires the clerks of court to implement an electronic filing process by March 1, 2010.
- Specifies the Legislature's intent for the 1st District Court of Appeals to implement electronic filing for workers compensation appeals.
- Notwithstanding s. 28.36, F.S., relating to how budgets are approved for clerks of court to set the statewide amount for all clerk budgets at \$451 million for the state fiscal year 2009-2010. This section is contingent upon SB 2108 not becoming a law.
- Requires by January 15, 2010, a report by the Legislature's Office of Program Policy Analysis and Government Accountability on how to improve the efficiency of the operations of the clerks of court and the state court system. This section supersedes the similar provisions in SB 2108.
- Requires the Legislature's Technology Review Workgroup to develop a plan for options to implement an integrated computer system for the state court system. This section supersedes the similar provisions in SB 2108.
- Requires the Clerks of Court Operations Corporation to report all information technology purchases by clerks of more than \$25,000 to the Legislature. This section supersedes the similar provisions in SB 2108.
- Directs the Division of Statutory Revision to read SB 2108 and SB 1718 together and make amendments accordingly.
- Provides the effective dates of June 1, 2009 for some sections and July 1, 2009 for others.